

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:	:	Chapter 13
Calvin D. Delp, Jr	:	JUDGE <u>CALDWELL</u>
Constance L Delp	:	Case No. <u>12-54622</u>
	:	

MOTION TO MODIFY CHAPTER 13 PLAN

Now come Debtors, Calvin and Constance Delp, by and through counsel, Courtney A. Cousino, and hereby request this Court enter an Order modifying their Chapter 13 plan. Support for the Motion is set forth below.

MEMORANDUM IN SUPPORT

The Debtors' Chapter 13 plan was confirmed on August 7, 2012 and called for payments to the Trustee in the amount of \$800.00 per month for the remainder of the plan, but not to exceed 5 years, until the plan is complete. The plan was subsequently modified in October 2012 to modify their Chapter 13 Plan to lower the payment to \$600.00 per month for six (6) months starting in September 2012, then \$850.00 for the remainder of the plan. The general unsecured dividend is 1%.

The Debtors are requesting such modification because Debtor had a period of unemployment and even though he has now secured new employment the household income is lower. Debtors propose to modify their Chapter 13 Plan to pay \$600.00 per month for twelve (12) months starting in August 2014, then \$725.00 for the remainder of the plan. Debtors do not seek to decrease the unsecured dividend nor do they believe that the payment modification will violate the provisions of 11 U.S.C. §1322(d) regarding plan length. Pursuant to LBR 3015-2(b)(5) an amended Schedule I and J are attached hereto respectively.

Accordingly, the Debtors request this Court enter an order modifying the plan to pay \$600.00 per month for twelve (12) months starting in August 2014, then \$725.00 for the remainder of the plan. The general unsecured dividend and all other terms of the confirmed plan shall remain unchanged.

Respectfully submitted,

/s/ Courtney A Cousino

Courtney A Cousino Perdue (0082136)

Attorney for Debtors

610 S. Third St.

Columbus, OH 43206

(614) 228-4435

(614) 228-3882 fax

courtney@fesenmyerlaw.com

NOTICE OF MOTION

Notice is hereby given that Debtor has filed the following papers with the Court: Motion for Modification.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought, or if you want the Court to consider your views thereon, then on or before twenty-one (21) days from the date of service of this Notice, you or your attorney must:

File with the Court a written request for a hearing along with a written response or an answer explaining your position. This pleading must be filed at Clerk of Courts, United States Bankruptcy Court, 170 N. High Street, Columbus, Ohio 43215. If you mail your request and response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. The Court will send out a Notice of hearing. You must also mail a copy to:

Courtney A. Cousino, Esq
Fesenmyer Law Offices, LLC
610 South Third Street
Columbus, Ohio 43206

Office of the U.S. Trustee
170 N. High Street, #200
Columbus, Ohio 43215

Frank M. Pees - Chapter 13 Trustee
130 E. Wilson Bridge Road, Suite 200
Worthington, Ohio 43085

Calvin & Constance Delp
1061 Strimple Avenue
Columbus, Ohio 43229

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief pursuant to the provisions of Local Bankruptcy Rule 9013.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed to the following parties whose names and addresses are set forth below by electronic and/or U.S. mail, postage prepaid, on August 26, 2014.

By Electronic Notification to the following:

- Asst US Trustee (Col) ustpregion09.cb.ecf@usdoj.gov
- Jennifer Fate fate@mmmb.com, tiffany@mmmb.com
- Brian M Gianangeli bgianangeli@mifsudlaw.com
- Frank M Pees trustee@ch13.org

By first class postage prepaid regular U.S. Mail to the following:

Debtors:

Calvin & Constance Delp
1061 Strimple Avenue
Columbus, Ohio 43229

Creditors:

See attached matrix

/s/ Courtney A. Cousino

Courtney A. Cousino (Perdue) (0082136)
Attorney for Debtors

Fill in this information to identify your case:

Debtor 1 Calvin D Delp, Jr.

Debtor 2 Constance L Delp
(Spouse, if filing)

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF OHIO

Case number 2:12-bk-54622
(If known)

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing post-petition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form B 6I

Schedule I: Your Income

12/13

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

	Debtor 1	Debtor 2 or non-filing spouse
1. Fill in your employment information.		
If you have more than one job, attach a separate page with information about additional employers.	Employment status <input checked="" type="checkbox"/> Employed <input type="checkbox"/> Not employed	Employment status <input checked="" type="checkbox"/> Employed <input type="checkbox"/> Not employed
Include part-time, seasonal, or self-employed work.	Occupation <u>Patient Transporter</u>	Occupation <u>Self-employed Hair Stylist</u>
Occupation may include student or homemaker, if it applies.	Employer's name <u>Ohio History Connection</u>	Employer's name <u>None</u>
	Employer's address <u>800 E. 17th Avenue1492 E. Broad Street Columbus, OH 43211</u>	
	How long employed there? <u></u>	How long employed there? <u>since 1/2012</u>

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2. \$ <u>1,828.67</u>	2. \$ <u>0.00</u>
3. Estimate and list monthly overtime pay.	3. +\$ <u>0.00</u>	3. +\$ <u>0.00</u>
4. Calculate gross income. Add line 2 + line 3.	4. \$ <u>1,828.67</u>	4. \$ <u>0.00</u>

Debtor 1 **Calvin D Delp, Jr.**
Debtor 2 **Constance L Delp**

Case number (if known) **2:12-bk-54622**

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here	4. \$ 1,828.67	\$ 0.00
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$ 64.87	\$ 0.00
5b. Mandatory contributions for retirement plans	5b. \$ 182.87	\$ 0.00
5c. Voluntary contributions for retirement plans	5c. \$ 0.00	\$ 0.00
5d. Required repayments of retirement fund loans	5d. \$ 0.00	\$ 0.00
5e. Insurance	5e. \$ 491.68	\$ 0.00
5f. Domestic support obligations	5f. \$ 0.00	\$ 0.00
5g. Union dues	5g. \$ 0.00	\$ 0.00
5h. Other deductions. Specify: _____	5h.+ \$ 0.00	+ \$ 0.00
6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6. \$ 739.42	\$ 0.00
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ 1,089.25	\$ 0.00
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 0.00	\$ 717.00
8b. Interest and dividends	8b. \$ 0.00	\$ 0.00
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$ 0.00
8d. Unemployment compensation	8d. \$ 0.00	\$ 0.00
8e. Social Security	8e. \$ 0.00	\$ 0.00
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: Father's Social Security	8f. \$ 940.00	\$ 0.00
8g. Pension or retirement income	8g. \$ 0.00	\$ 0.00
8h. Other monthly income. Specify: _____	8h.+ \$ 0.00	+ \$ 0.00
9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9. \$ 940.00	\$ 717.00
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ 2,029.25	\$ 717.00
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in <i>Schedule J</i> . Specify: _____	11. +\$ 0.00	
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the <i>Summary of Schedules</i> and <i>Statistical Summary of Certain Liabilities</i> and Related Data, if it applies	12. \$ 2,746.25	Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____		

Fill in this information to identify your case:

Debtor 1 Calvin D Delp, Jr.

Debtor 2 Constance L Delp
(Spouse, if filing)

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF OHIO

Case number 2:12-bk-54622
(If known)

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing post-petition chapter 13 expenses as of the following date:
MM / DD / YYYY
- ☐ A separate filing for Debtor 2 because Debtor 2 maintains a separate household

Official Form B 6J

Schedule J: Your Expenses

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

- ☐ No. Go to line 2.
- ☒ Yes. Does Debtor 2 live in a separate household?
- ☒ No
- ☐ Yes. Debtor 2 must file a separate Schedule J.

2. Do you have dependents? ☐ No

Do not list Debtor 1 and Debtor 2.

☒ Yes. Fill out this information for each dependent.....

Do not state the dependents' names.

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Father

Daughter (college)

20

- ☐ No
- ☒ Yes
- ☐ No
- ☒ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No ☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 6I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 0.00

If not included in line 4:

- 4a. Real estate taxes
- 4b. Property, homeowner's, or renter's insurance
- 4c. Home maintenance, repair, and upkeep expenses
- 4d. Homeowner's association or condominium dues

4a. \$ 0.00

4b. \$ 50.00

4c. \$ 30.00

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Calvin D Delp, Jr.**
Debtor 2 **Constance L Delp**

Case number (if known) **2:12-bk-54622**

6. Utilities:		
6a. Electricity, heat, natural gas	6a. \$	<u>250.00</u>
6b. Water, sewer, garbage collection	6b. \$	<u>50.00</u>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	<u>75.00</u>
6d. Other. Specify: _____	6d. \$	<u>0.00</u>
7. Food and housekeeping supplies	7. \$	<u>525.00</u>
8. Childcare and children's education costs	8. \$	<u>0.00</u>
9. Clothing, laundry, and dry cleaning	9. \$	<u>30.25</u>
10. Personal care products and services	10. \$	<u>36.00</u>
11. Medical and dental expenses	11. \$	<u>60.00</u>
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	<u>275.00</u>
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$	<u>0.00</u>
14. Charitable contributions and religious donations	14. \$	<u>0.00</u>
15. Insurance.		
Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a. \$	<u>0.00</u>
15b. Health insurance	15b. \$	<u>0.00</u>
15c. Vehicle insurance	15c. \$	<u>85.00</u>
15d. Other insurance. Specify: _____	15d. \$	<u>0.00</u>
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: Property Tax		
	16. \$	<u>180.00</u>
17. Installment or lease payments:		
17a. Car payments for Vehicle 1	17a. \$	<u>0.00</u>
17b. Car payments for Vehicle 2	17b. \$	<u>0.00</u>
17c. Other. Specify: _____	17c. \$	<u>0.00</u>
17d. Other. Specify: _____	17d. \$	<u>0.00</u>
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 6I).		
18. \$		<u>0.00</u>
19. Other payments you make to support others who do not live with you.		
19. \$		<u>0.00</u>
Specify: _____		
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.		
20a. Mortgages on other property	20a. \$	<u>0.00</u>
20b. Real estate taxes	20b. \$	<u>0.00</u>
20c. Property, homeowner's, or renter's insurance	20c. \$	<u>0.00</u>
20d. Maintenance, repair, and upkeep expenses	20d. \$	<u>0.00</u>
20e. Homeowner's association or condominium dues	20e. \$	<u>0.00</u>
21. Other: Specify: Father's Medical and Living Expenses	21. +\$	<u>500.00</u>
22. Your monthly expenses. Add lines 4 through 21. The result is your monthly expenses.		22. \$ <u>2,146.25</u>
23. Calculate your monthly net income.		
23a. Copy line 12 (<i>your combined monthly income</i>) from Schedule I.	23a. \$	<u>2,746.25</u>
23b. Copy your monthly expenses from line 22 above.	23b. -\$	<u>2,146.25</u>
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .		23c. \$ <u>600.00</u>
24. Do you expect an increase or decrease in your expenses within the year after you file this form?		
For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes.		
Explain: _____		

Label Matrix for local noticing
0648-2

Case 2:12-bk-54622
Southern District of Ohio
Columbus
Tue Aug 26 16:37:47 EDT 2014

American Tax Funding Servicing, LLC
345 Jupiter Lakes Blvd., Ste 300
Jupiter, FL 33458-7100

Cars for Less Inc
5240 Sinclair Road
Columbus, OH 43229-5419

Courtney A Cousino (Perdue)
Fesenmyer Law Offices, LLC
610 S. Third Street
Columbus, OH 43206-1026

Constance L Delp
1061 Strimple Avenue
Columbus, OH 43229-5046

Jennifer Fate
Murray Murphy Moul + Basil LLP
1533 Lake Shore Drive
Columbus, OH 43204-3899

Franklin County Treasurer
373 S. High St., 17th Floor
Columbus, OH 43215-4591

Gracerecovry
8346 Tyler Bv
Mentor, OH 44060-4221

Keith A Miller
2935 Perdue Avenue
Columbus, OH 43224-4559

National Credit Services
17704 134th Ave NE
Woodinville, WA 98072-4605

AmerAssist/AR Solutions
Attn: Kovacks
460 Polaris Parkway
Westerville, OH 43082-8212

American Tax Funding. LLC
345 Jupiter Lakes Blvd, Ste 300
Jupiter, FL 33458-7100

City of Columbus
Income Tax Division
50 W. Gay St., 4th Floor
Columbus, OH 43215-9037

Crđ Prt Asso
Attn: Bankruptcy
Po Box 802068
Dallas, TX 75380-2068

Department of the Treasury
Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

(p)CHOICE RECOVERY INC
1550 OLD HENDERSON ROAD
STE 100
COLUMBUS OH 43220-3662

Brian M Gianangeli
6305 Emerald Parkway
Dublin, OH 43016-3241

Jefferson Capital Systems LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

Law Offices Of Charles Mifsud
326 S High Street # 201
Columbus, OH 43215-4522

National Recovery Agen
2491 Paxton St
Harrisburg, PA 17111-1036

American InfoSource LP as agent for
InSolve Recovery LLC
PO Box 269093
Oklahoma City OK 731269093

Asst US Trustee (Col)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

Collection
4200 International Pkwy
Carrollton, TX 75007-1912

Calvin D Delp Jr.
1061 Strimple Avenue
Columbus, OH 43229-5046

Enhanced Recovery Corp
Attention: Client Services
8014 Bayberry Rd
Jacksonville, FL 32256-7412

Fifth Third Bank
Fifth Third Bank Bankruptcy Department,
1830 East Paris Ave. Se
Grand Rapids, MI 49546-6253

Peter J Gibson
COX, KOLTAK & GIBSON, LLP
5 East Long Street, Suite 200
Columbus, OH 43215-2915

Jerry Townsend
331 N. Galena Road
Sunbury, OH 43074-9591

Natautoacct
Po Box 06095
Columbus, OH 43206-0095

Nevada Professional Co
10601 Grant Rd Ste 214
Houston, TX 77070-4476

Nuwell Credit Company
c/o Ally Financial LLC
PO Box 130424
Roseville, MN 55113-0004

Ohio Department of Taxation
Bankruptcy Division
P.O. Box 530
Columbus, OH 43216-0530

Ohio Department of Taxation
P.O. Box 182401
Columbus, OH 43218-2401

Ohio State Attorney General
30 E. Broad St.
17 Floor
Columbus, OH 43215

Ohio State Department of Taxation
21st Floor
150 E. Gay St.
Columbus, OH 43215-3191

Ohio State University
The Law Office of Charels Mifsud LLC
325 S High Street Annex Suite 201
Columbus OH 43215

Palisades Collection LLC
P.O. Box 1244
Englewood Cliffs, NJ 07632-0244

Pcb
5500 New Albany Rd Ste 2
Westerville, OH 43082

Frank M Pees
130 East Wilson Bridge Road
Suite 200
Worthington, OH 43085-2391

Quantum3 Group LLC as agent for
World Financial Network Bank
PO Box 788
Kirkland, WA 98083-0788

Rent-A-Center
1784 Morse Road
Columbus, OH 43229-9524

Rjm Acq Llc
575 Underhill Blvd Ste 2
Syosset, NY 11791-3426

Rjm Acq Llc
575 Underhill Blvd.
Suite 224
Syosset, NY 11791-3416

Rjm Acquisitions Llc
575 Underhill Blvd, Suite 224
Syosset, NY 11791-4437

Rutherford Funeral Homes
2382 N. High Street
Columbus, OH 43202

Tandem QCA Income Partners
dba Lockbourne Lodge
10610 Ashville Pike
Lockbourne, OH 43137-9668

US Department of Education
P.O. Box 4169
Greenville, TX 75403-4169

United Collect Bur Inc
5620 Southwyck Blvd Ste
Toledo, OH 43614-1501

Verizon North
P.O. Box 920041
Dallas, TX 75392-0041

Wfnnb/tsa
Attention: Bankruptcy
Po Box 182685
Columbus, OH 43218-2685

Wynona Holdings Inc
1925 E. Dublin-Granville Rd. 103
Columbus, OH 43229-3543

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Ffcc-columbus Inc
1550 Old Henderson Rd St
Columbus, OH 43220

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

End of Label Matrix

Mailable recipients 50

Bypassed recipients 2

Total 52